

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

PETE WRIGHT, Register No. 166935,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 06-4201-CV-C-NKL
	)	
STATE OF MISSOURI, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On January 7, 2008, United States Magistrate Judge William A. Knox recommended that plaintiff's motions for default judgment be denied; the motions of defendants Drs. Alfred Garcia and Rex Hardman to dismiss be granted, and plaintiff's claims against them be dismissed; defendants' motion for judgment on the pleadings be granted, in part, and denied, in part; the motion for judgment on the pleadings as to plaintiff's ADA claims be denied as to the defendants and claims specifically identified in the report, recommendation and order; plaintiff's ADA claims against the State of Missouri and MDOC, alleging failure to ensure compliance with ADA building codes, be dismissed, without prejudice, for failure to exhaust administrative remedies as required by 42 U.S.C. § 1983; plaintiff's remaining claims, including state tort claims, and claims against all remaining defendants be dismissed for failure to state a claim and/or as frivolous. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on January 28 and 29 and February 6, 2008. The issues raised in plaintiff's exceptions, motion for reconsideration and motion for leave to file response to the motion to dismiss were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of January 7, 2008, is adopted. [168] It is further

ORDERED that plaintiff's motions for default judgment are denied. [142, 150] It is further

ORDERED that the motions of defendants Drs. Alfred Garcia and Rex Hardman to dismiss are granted, and plaintiff's claims against them are dismissed. [72, 161] It is further

ORDERED that the motion for judgment on the pleadings is granted, in part, and denied, in part. [117] It is further

ORDERED that the motion for judgment on the pleadings as to plaintiff's ADA claims is denied as to the defendants and claims specifically identified in the report, recommendation and order. It is further

ORDERED that plaintiff's ADA claims against the State of Missouri and MDOC alleging failure to ensure compliance with ADA building codes are dismissed, without prejudice, for failure to exhaust administrative remedies as required by 42 U.S.C. § 1983. It is further

ORDERED that plaintiff's remaining claims, including state tort claims, and claims against all remaining defendants are dismissed for failure to state a claim and/or as frivolous. It is further

ORDERED that plaintiff is granted leave to file his response to defendants' motion to dismiss, which is treated as exceptions to the report and recommendation. [170] It is further

ORDERED that plaintiff's motion for reconsideration is denied. [171]

/s/

NANETTE K. LAUGHREY  
United States District Judge

Dated: February 14, 2008  
Jefferson City, Missouri